

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GUGGENHEIM CAPITAL, LLC, AND  
GUGGENHEIM PARTNERS, LLC,

Plaintiffs,

v.

CATARINA PIETRA TOUMEI, A/K/A LADY  
CATARINA PIETRA TOUMEI A/K/A CATARINA  
FREDERICK; VLADIMIR ZURAVEL A/K/A  
VLADIMIR GUGGENHEIM A/K/A VLADIMIR Z.  
GUGGENHEIM A/K/A VLADIMIR Z.  
GUGGENHEIM BANK; DAVID BIRNBAUM  
A/K/A DAVID B. GUGGENHEIM; ELI PICHEL;  
THEODOR PARDO; AND JOHN DOES 1-10,

Defendants.

USDC SDNY  
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DATE FILED: 2/1/2011

**ORDER TO SHOW CAUSE**

10 Civ. 8830 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

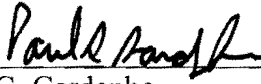
Defendant David Birnbaum is hereby DIRECTED to show cause by **5:00 p.m.** on **Friday, February 4, 2011**, why contempt sanctions should not be imposed for his failure to respond to Plaintiffs' discovery requests as ordered by this Court at the January 13, 2011 conference and in the January 13, 2011 (Dkt. No. 49) and January 24, 2011 (Dkt. No. 54) orders.

Plaintiffs are directed to explain by 5:00 p.m. on February 4, 2011, why sanctions should be imposed, and in what amount.

Counsel for both parties are directed to address the question of whether the Fifth Amendment privilege applies to document production and interrogatory responses.

Dated: New York, New York  
January 31, 2011

SO ORDERED.

  
Paul G. Gardephe  
United States District Judge